

2015 DRAFTING REQUEST

Bill

Received: 12/30/2014 Received By: mgallagh  
 Wanted: As time permits Same as LRB:  
 For: Administration-Budget 6-1103 By/Representing: Byrnes  
 May Contact: Drafter: mgallagh  
 Subject: Agriculture - animals Addl. Drafters:  
 Occupational Reg. - prof lic  
 State Govt - miscellaneous Extra Copies:

Submit via email: YES  
 Requester's email:  
 Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov  
 sbostatlanguage@webapps.wi.gov  
 michael.duchek@legis.wisconsin.gov

Pre Topic:

DOA:.....Byrnes, BB0362 -

Topic:

Transfer Veterinary Examining Board from DSPS to DATCP.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 1/27/2015	jdyer 1/27/2015	jfrantze 1/27/2015	_____	sbasford 1/5/2015		State
/P2	mgallagh 1/30/2015	kfollett 1/30/2015	jfrantze 1/30/2015	_____	srose 1/27/2015		State
/P3				_____	srose		State

Vers. Drafted

Reviewed

Typed

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1/30/2015

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/P2		1/30/15 1/30		1/30 _____	srose 1/27/2015		State

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FE Sent For: *P2 1/27 JLD* *[Signature]*  
 1/27  
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DOA:.....Byrnes, BB0362 -

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**Topic:**

Transfer Veterinary Examining Board from DSPS to DATCP. ✓

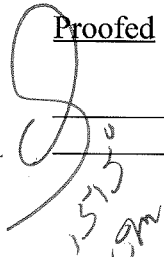
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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh	1pl eev 1/5/15	1pl eev 1/5/15				

FE Sent For:

<END>

**Gallagher, Michael**

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**From:** CathleneH <cathleneh@gmail.com>  
**Sent:** Tuesday, December 23, 2014 3:48 PM  
**To:** Gallagher, Michael; Duchek, Michael  
**Subject:** Fwd: Statutory Language Drafting Request - BB0362

Sent from my iPhone

Begin forwarded message:

**From:** <Tyler.Byrnes@Wisconsin.gov>  
**Date:** December 23, 2014 at 5:30:04 PM AST  
**To:** <cathlene.hanaman@legis.wisconsin.gov>  
**Cc:** <Caitlin.Frederick@wisconsin.gov>, <Tyler.Byrnes@wisconsin.gov>, <Christopher.Connor@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - BB0362

Biennial Budget: 2015-17

DOA Tracking Code: BB0362

Topic: Transfer Veterinary Examining Board from DSPS to DATCP

SBO Team: AEJ

SBO Analyst: Byrnes, Tyler - DOA  
Phone: (608) 266-1103  
E-mail: [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)

Agency Acronym: DATCP

Agency Number: 115

Priority: High

Intent:

Please prepare a draft that attaches the veterinary examining board to the Department of Agriculture, Trade and Consumer Protection.

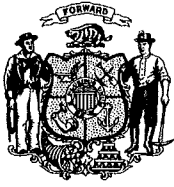
All assets and liabilities, rulemaking authority, existing administrative rules and licensing authority should be transferred from the Department of Safety and Professional Services to DATCP.

The DATCP board should not have the authority to review rules made by the Veterinary Board and the Veterinary Board should not have authority to review rules made by the DATCP board.

Attachments: False

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)





In: 1-5

State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0438/P1  
MPG:eev:jf

Budget

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1053

D-Note

don't gen

1 AN ACT *to repeal* 440.03 (13) (b) 73., 440.03 (13) (b) 74., 440.08 (2) (a) 70. and  
 2 440.08 (2) (a) 71.; *to renumber* 93.135 (1) (a), chapter 453 (title), 453.02,  
 3 453.04, 453.065, 453.068, 453.075 and 453.08; *to renumber and amend*  
 4 15.405 (12), 453.03, 453.05, 453.06, 453.062, 453.07 and 453.072; *to amend*  
 5 29.736 (1) (b), 45.44 (1) (a) 5., 54.15 (8) (a) 3., 93.20 (1), 93.22 (1), 93.22 (2), 93.22  
 6 (3), 94.67 (33m), 94.67 (33t), 95.21 (1) (e), 95.21 (1) (em), 95.21 (2) (a), 169.01 (35)  
 7 (a), 173.05 (1) (b), 173.41 (2) (e), 173.41 (12) (a) 4., 257.01 (5) (a), 257.01 (5) (b),  
 8 450.03 (1) (e), 450.10 (3) (a) 8., 450.11 (1m), 450.125, 450.19 (1) (ar) and 978.05  
 9 (6) (a); and *to create* 15.135 (5) (title), 20.115 (2) (jm), 89.02 (3d), 89.063, 89.085,  
 10 93.135 (1) (ab) and 321.60 (1) (a) 6m. of the statutes; **relating to:** transferring  
 11 the Veterinary Examining Board from the Department of Safety and  
 12 Professional Services to the Department of Agriculture, Trade and Consumer

The budget.

1 Protection, requiring the exercise of rule-making authority, making an  
2 appropriation, and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, the Veterinary Examining Board (board) regulates the practice of veterinarians and veterinary technicians in Wisconsin. Currently, the board is under the umbrella of the Department of Safety and Professional Services. This bill transfers the board to the Department of Agriculture, Trade and Consumer Protection.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 SECTION 1. 15.135 (5) (title) of the statutes is created to read:

4 15.135 (5) (title) VETERINARY EXAMINING BOARD.

5 SECTION 2. 15.405 (12) of the statutes is renumbered 15.135 (5) (a) (intro.) and  
6 amended to read:

7 15.135 (5) (a) ~~VETERINARY EXAMINING BOARD.~~ (intro.) There is created a  
8 veterinary examining board in the department of safety and professional services  
9 agriculture, trade and consumer protection. The veterinary examining board shall  
10 consist of the following 8 members appointed for staggered 4-year terms:

11 1. Five of the members shall be licensed veterinarians licensed in this state.

12 2. One member shall be a veterinary technician certified in this state.

13 3. Two members shall be public members.

14 (b) No member of the examining board may in any way be financially interested  
15 in any school having a veterinary department or a course of study in veterinary or  
16 animal technology.

SAFETY AND PROFESSIONAL SERVICES

ALL CAPS  
BS

Professional License

\*\*\*\*NOTE: In addition to renumbering, I altered the format of the statutory unit to conform more closely with the other subsections in s. 15.135, stats., and with drafting best practices. Okay? MPG

Note: bud

1 SECTION 3. 20.115 (2) (jm) of the statutes is created to read:  
2 20.115 (2) (jm) *Veterinary examining board*. All moneys received from issuing  
3 and renewing credentials under ch. 89 for the licensing, rule-making, and  
4 regulatory functions of the veterinary examining board.

5 SECTION 4. 29.736 (1) (b) of the statutes is amended to read:  
6 29.736 (1) (b) "Qualified inspector" means a veterinarian licensed under ch.  
7 453 ~~89~~ or a person who is qualified to provide evidence of fish health under s. 95.60  
8 (4s) (c).

9 SECTION 5. 45.44 (1) (a) 5. of the statutes is amended to read:  
10 45.44 (1) (a) 5. A license, certification, registration, or permit issued under s.  
11 89.06, 89.072, 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2),  
12 97.22 (2), 98.145, 98.146, 98.18 (1) (a), or 168.23 (3).

13 SECTION 6. 54.15 (8) (a) 3. of the statutes is amended to read:  
14 54.15 (8) (a) 3. Any license, certificate, permit, or registration of the proposed  
15 guardian that is required under chs. 89, 202, or 440 to 480 or by the laws of another  
16 state for the practice of a profession or occupation has been suspended or revoked.

\*\*\*\*NOTE: I did not include a cross-reference to the new ch. 89 in ss. 46.90 (5m) (br) 5. and 55.043 (4) (b) 5., stats., both of which cross-reference chs. 440 to 460, stats. Section 46.90 (5m) (br) 5., stats., deals with reports to DSPS concerning elder abuse that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." Similarly, s. 55.043 (4) (b) 5., stats., deals with reports to DSPS concerning exploitation or other abuse of an adult-at-risk that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." I did not include cross-references in those statutory units with respect to the new ch. 89 because, unlike the other professions under chs. 440 to 460, stats., veterinarians and veterinary technicians, by profession, deal primarily with animals. Nevertheless, cross-references to the new ch. 89 could be relevant to the extent that veterinarians and veterinary technicians deal with the individual human owners of animals. Please let me know if you instead want me to include cross-references to the new ch. 89 for purposes of ss. 46.90 and 55.043, stats. MPG

17 SECTION 7. 89.02 (3d) of the statutes is created to read:

1           89.02 (3d) "Department" means the department of agriculture, trade and  
2 consumer protection.

3           **SECTION 8.** 89.063 of the statutes is created to read:

4           **89.063 Fees.** (1) The department shall determine the fees for each initial  
5 license, certification, and permit issued under ss. 89.06 and 89.072, and, if  
6 applicable, for renewal of the license, certification, or permit, including late fees,  
7 based on the department's administrative and enforcement costs under this chapter.  
8 The department shall notify the holder of each such license, certification, or permit  
9 of any fee adjustment under this subsection that affects that license, certification,  
10 or permit holder.

11           (2) Before the department makes any fee adjustment under sub. (1), the  
12 department shall send a notification of the proposed fee adjustment to the  
13 cochairpersons of the joint committee on finance. If the cochairpersons of the  
14 committee do not notify the secretary within 14 working days after the date of the  
15 department's notification that the committee has scheduled a meeting for the  
16 purpose of reviewing the proposed fee adjustment, the fee adjustment may be made  
17 as proposed. If, within 14 working days after the date of the department's  
18 notification, the cochairpersons of the committee notify the secretary that the  
19 committee has scheduled a meeting for the purpose of reviewing the proposed fee  
20 adjustment, the fee adjustment may be made only upon approval of the committee.

21           **SECTION 9.** 89.085 of the statutes is created to read:

22           **89.085 Unauthorized practice.** (1) The department may conduct  
23 investigations, hold hearings, and make findings as to whether a person has engaged  
24 in a practice or used a title without a credential required under this chapter.

1           (2) If, after holding a public hearing, the department determines that a person  
2 has engaged in a practice or used a title without a required credential, the  
3 department may issue a special order enjoining the person from continuing the  
4 practice or use of the title.

5           (3) In lieu of holding a public hearing, if the department has reason to believe  
6 that a person has engaged in a practice or used a title without a required credential,  
7 the department may petition the circuit court for a temporary restraining order or  
8 an injunction as provided in ch. 813.

9           (4) (a) Any person who violates a special order issued under sub. (2) may be  
10 required to forfeit not more than \$10,000 for each offense. Each day of continued  
11 violation constitutes a separate offense. The attorney general or any district  
12 attorney may commence an action in the name of the state to recover a forfeiture  
13 under this paragraph.

14           (b) Any person who violates a temporary restraining order or an injunction  
15 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor  
16 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

17           **SECTION 10.** 93.135 (1) (a) of the statutes is renumbered 93.135 (1) (ag).

18           **SECTION 11.** 93.135 (1) (ab) of the statutes is created to read:

19           **93.135 (1) (ab)** A license, certification, or permit under ch. 89.

      \*\*\*\*NOTE: Please let me know if this treatment is inconsistent with your intent.  
Among other things, adding the new ch. 89 to the list under s. 93.135 (1), stats., continues  
for veterinarians and veterinary technicians vis-a-vis DATCP the authority of DSPS  
under ss. 440.12 and 440.13, stats. See DATCP's similar authority under s. 93.135 (3) and  
(4). MPG

      \*\*\*\*NOTE: Also, do you want to carry over to DATCP the responsibilities of DSPS  
under s. 440.121, stats., concerning declarations of incompetence, or, for that matter, any  
other specific duty or power of DSPS under ch. 440 that is not otherwise included in the  
draft? See also s. 54.25 (2) (c) 1. d., stats., concerning declarations of incompetence to  
exercise certain rights, including obtaining a credential under chs. 440 to 480. MPG

20           **SECTION 12.** 93.20 (1) of the statutes is amended to read:

1           93.20 (1) DEFINITION. In this section, "action" means an action that is  
2 commenced in court by, or on behalf of, the department of agriculture, trade and  
3 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

4           **SECTION 13.** 93.22 (1) of the statutes is amended to read:

5           93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may  
6 be represented by its attorney.

7           **SECTION 14.** 93.22 (2) of the statutes is amended to read:

8           93.22 (2) The department may, with the approval of the governor, appoint  
9 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
10 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the  
11 appropriation for the department.

12           **SECTION 15.** 93.22 (3) of the statutes is amended to read:

13           93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any  
14 exception, exemption, proviso, excuse, or qualification contained in any of said  
15 chapters, or in any order, standard, or regulation thereunder, may be proved by the  
16 defendant, but need not be specified or negatived in the information or complaint,  
17 and, if so specified or negatived, no proof in relation to the matters so specified or  
18 negatived, shall be required of the plaintiff.

19           **SECTION 16.** 94.67 (33m) of the statutes is amended to read:

20           94.67 (33m) "Veterinarian" means an individual who is licensed as a  
21 veterinarian under ch. ~~453~~ 89.

22           **SECTION 17.** 94.67 (33t) of the statutes is amended to read:

23           94.67 (33t) "Veterinary technician" means an individual who is certified as a  
24 veterinary technician under ch. ~~453~~ 89.

25           **SECTION 18.** 95.21 (1) (e) of the statutes is amended to read:

1           95.21 (1) (e) "Veterinarian" has the meaning designated under s. ~~453.02~~ 89.02  
2           (7).

3           **SECTION 19.** 95.21 (1) (em) of the statutes is amended to read:

4           95.21 (1) (em) "Veterinary technician" has the meaning designated under s.  
5           ~~453.02~~ 89.02 (12).

6           **SECTION 20.** 95.21 (2) (a) of the statutes is amended to read:

7           95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or  
8           sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a  
9           veterinarian or, if a veterinarian is physically present at the location the vaccine is  
10          administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no  
11          later than 5 months of age and revaccinated within one year after the initial  
12          vaccination. If the owner obtains the dog or brings the dog into this state after the  
13          dog has reached 5 months of age, the owner shall have the dog vaccinated against  
14          rabies within 30 days after the dog is obtained or brought into the state unless the  
15          dog has been vaccinated as evidenced by a current certificate of rabies vaccination  
16          from this state or another state. The owner of a dog shall have the dog revaccinated  
17          against rabies by a veterinarian or, if a veterinarian is physically present at the  
18          location the vaccine is administered, by a veterinary technician, pursuant to s.  
19          ~~453.05~~ 89.05 (2) (d), before the date that the immunization expires as stated on the  
20          certificate of vaccination or, if no date is specified, within 3 years after the previous  
21          vaccination.

22          **SECTION 21.** 169.01 (35) (a) of the statutes is amended to read:

23          169.01 (35) (a) A veterinarian who is licensed in this state to practice  
24          veterinary medicine under ch. ~~453~~ 89 and who is certified under rules promulgated  
25          by the department of agriculture, trade and consumer protection.

1           **SECTION 22.** 173.05 (1) (b) of the statutes is amended to read:

2           173.05 (1) (b) A person to whom par. (a) applies who is a veterinarian licensed  
3 under ch. 453 89 is not required to complete a course of training approved by the  
4 department if he or she takes an examination given by the department and passes  
5 the examination on the first attempt.

6           **SECTION 23.** 173.41 (2) (e) of the statutes is amended to read:

7           173.41 (2) (e) A veterinarian licensed under ch. 453 89 practicing in the normal  
8 course of veterinary business within the scope of the license is not required to obtain  
9 a license under this subsection.

10          **SECTION 24.** 173.41 (12) (a) 4. of the statutes is amended to read:

11          173.41 (12) (a) 4. If persons sell or offer to sell dogs at the temporary dog market  
12 for 2 or more consecutive days, employ or contract with a veterinarian licensed under  
13 ch. 453 89 to conduct an examination of the dogs offered for sale at the temporary dog  
14 market on each day on which dogs are offered for sale and to review the information  
15 provided under par. (b).

16          **SECTION 25.** 257.01 (5) (a) of the statutes is amended to read:

17          257.01 (5) (a) An individual who is licensed as a physician, a physician  
18 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed  
19 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,  
20 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a  
21 veterinary technician under ch. 453 89, or certified as a respiratory care practitioner  
22 under ch. 448.

23          **SECTION 26.** 257.01 (5) (b) of the statutes is amended to read:

24          257.01 (5) (b) An individual who was at any time within the previous 10 years,  
25 but is not currently, licensed as a physician, a physician assistant, or a podiatrist



1 under ch. 448, licensed as a registered nurse, licensed practical nurse, or  
2 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a  
3 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary  
4 technician under ch. 453 89, or certified as a respiratory care practitioner under ch.  
5 448, if the individual's license or certification was never revoked, limited, suspended,  
6 or denied renewal.

7 **SECTION 27.** 321.60 (1) (a) 6m. of the statutes is created to read:

8 321.60 (1) (a) 6m. A license, certification, or permit issued under s. 89.06 or  
9 89.072.

10 **SECTION 28.** 440.03 (13) (b) 73. of the statutes is repealed.

11 **SECTION 29.** 440.03 (13) (b) 74. of the statutes is repealed.

12 **SECTION 30.** 440.08 (2) (a) 70. of the statutes is repealed.

13 **SECTION 31.** 440.08 (2) (a) 71. of the statutes is repealed.

14 **SECTION 32.** 450.03 (1) (e) of the statutes is amended to read:

15 450.03 (1) (e) Any person lawfully practicing within the scope of a license,  
16 permit, registration, certificate or certification granted to practice professional or  
17 practical nursing or nurse-midwifery under ch. 441, to practice dentistry or dental  
18 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice  
19 optometry under ch. 449 or to practice veterinary medicine under ch. 453 89, or as  
20 otherwise provided by statute.

21 **SECTION 33.** 450.10 (3) (a) 8. of the statutes is amended to read:

22 450.10 (3) (a) 8. A veterinarian licensed under ch. 453 89.

23 **SECTION 34.** 450.11 (1m) of the statutes is amended to read:

24 450.11 (1m) ELECTRONIC TRANSMISSION. Except as provided in s. 453.068 89.068  
25 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the

1 patient approves the transmission and the prescription order is transmitted to a  
2 pharmacy designated by the patient.

3 **SECTION 35.** 450.125 of the statutes is amended to read:

4 **450.125 Drugs for animal use.** In addition to complying with the other  
5 requirements in this chapter for distributing and dispensing, a pharmacist who  
6 distributes or dispenses a drug for animal use shall comply with s. ~~453.068~~ 89.068.

7 **SECTION 36.** 450.19 (1) (ar) of the statutes is amended to read:

8 450.19 (1) (ar) "Practitioner" has the meaning given in s. 450.01 (17) but does  
9 not include a veterinarian licensed under ch. ~~453~~ 89.

10 **SECTION 37.** Chapter 453 (title) of the statutes is renumbered chapter 89 (title).

11 **SECTION 38.** 453.02 of the statutes is renumbered 89.02.

12 **SECTION 39.** 453.03 of the statutes is renumbered 89.03, and 89.03 (1), as  
13 renumbered, is amended to read:

14 89.03 (1) The examining board shall promulgate rules, within the limits of the  
15 definition under s. ~~453.02~~ 89.02 (6), establishing the scope of practice permitted for  
16 veterinarians and veterinary technicians and shall review the rules at least once  
17 every 5 years to determine whether they are consistent with current practice. The  
18 examining board may promulgate rules relating to licensure qualifications, denial  
19 of a license, ~~certifiate~~ certification, or temporary permit, unprofessional conduct,  
20 and disciplinary proceedings.

21 **SECTION 40.** 453.04 of the statutes is renumbered 89.04.

22 **SECTION 41.** 453.05 of the statutes is renumbered 89.05, and 89.05 (2) (g), as  
23 renumbered, is amended to read:

1           89.05 (2) (g) Employees of a school of veterinary medicine in this state who  
2           practice veterinary medicine on privately owned animals only as a part of their  
3           employment and who are licensed under s. ~~453.06~~ 89.06 (2m).

4           **SECTION 42.** 453.06 of the statutes is renumbered 89.06, and 89.06 (1), as  
5           renumbered, is amended to read:

6           89.06 (1) Except as provided under s. ~~453.072~~ 89.072, veterinary licenses shall  
7           be issued only to persons who successfully pass an examination conducted by the  
8           examining board and pay the fee ~~specified in~~ established under s. ~~440.05 (1)~~ 89.063  
9           (1). An applicant for an initial license shall be a graduate of a veterinary college that  
10          has been approved by the examining board or have successfully completed either the  
11          educational commission for foreign veterinary graduates certification program of the  
12          American Veterinary Medical Association or the program for the assessment of  
13          veterinary education equivalence offered by the American Association of Veterinary  
14          State Boards. Persons who qualify for examination may be granted temporary  
15          permits to engage in the practice of veterinary medicine in the employment and  
16          under the supervision of a veterinarian until the results of the next examination  
17          conducted by the examining board are available. In case of failure at any  
18          examination, the applicant shall have the privilege of taking subsequent  
19          examinations, upon the payment of another fee for each examination.

20          **SECTION 43.** 453.062 of the statutes is renumbered 89.062, and 89.062 (1), as  
21          renumbered, is amended to read:

22          89.062 (1) **RENEWAL.** The renewal ~~dates~~ date for veterinary licenses and  
23          veterinary technician certifications ~~are specified under s. 440.08 (2) (a) is~~ December  
24          15 of each odd-numbered year, and the renewal fees for such licenses and  
25          certifications are determined by the department under s. ~~440.03 (9) (a)~~ 89.063 (1).

1           **SECTION 44.** 453.065 of the statutes is renumbered 89.065.

2           **SECTION 45.** 453.068 of the statutes is renumbered 89.068.

3           **SECTION 46.** 453.07 of the statutes is renumbered 89.07, and 89.07 (1) (b), (2)  
4 (intro.) and (3), as renumbered, are amended to read:

5           89.07 (1) (b) Violating this chapter ~~or ch. 440~~ or any federal or state statute or  
6 rule which that substantially relates to the practice of veterinary medicine.

7           (2) (intro.) Subject to subch. II of ch. 111 ~~and the rules adopted under s. 440.03~~  
8 (~~1~~), the examining board may, by order, reprimand any person holding a license,  
9 certificate, or permit under this chapter or deny, revoke, suspend, limit, or any  
10 combination thereof, the person's license, ~~certificate~~ certification, or permit if the  
11 person has:

12           (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or  
13 revocation of a license, ~~certificate~~ certification, or permit under sub. (2), the  
14 examining board may assess against the applicant for or the holder of the license,  
15 ~~certificate~~ certification, or permit a forfeiture of not more than \$5,000 for each  
16 violation of s. ~~453.068~~ 89.068.

17           **SECTION 47.** 453.072 of the statutes is renumbered 89.072 and amended to  
18 read:

19           **89.072 Licensees of other jurisdictions.** (1) Upon application and payment  
20 of the fee ~~specified in established under s. 440.05 (2)~~ 89.063 (1), the examining board  
21 may issue a license to practice veterinary medicine to any person licensed to practice  
22 veterinary medicine in another state or territory of the United States or in another  
23 country if the applicant is not currently under investigation and has never been  
24 disciplined by the licensing authority in the other state, territory or country, has not  
25 been found guilty of a crime the circumstances of which are substantially related to

1 the practice of veterinary medicine, is not currently a party in pending litigation in  
2 which it is alleged that the applicant is liable for damages for acts committed in the  
3 course of practice and has never been found liable for damages for acts committed  
4 in the course of practice which evidenced a lack of ability or fitness to practice.

5 (2) Upon application and payment of the fee ~~specified in~~ established under s.  
6 ~~440.05 (6)~~ 89.063 (1), the examining board may issue a temporary consulting permit  
7 to practice veterinary medicine in this state for up to 60 days per year to any  
8 nonresident licensed to practice veterinary medicine in another state or territory of  
9 the United States or in another country.

10 **SECTION 48.** 453.075 of the statutes is renumbered 89.075.

11 **SECTION 49.** 453.08 of the statutes is renumbered 89.08.

12 **SECTION 50.** 978.05 (6) (a) of the statutes is amended to read:

13 978.05 (6) (a) Institute, commence or appear in all civil actions or special  
14 proceedings under and perform the duties set forth for the district attorney under ch.  
15 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, ~~89.08~~, 103.50 (8),  
16 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and  
17 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties  
18 in connection with court proceedings in a court assigned to exercise jurisdiction  
19 under chs. 48 and 938 as the judge may request and perform all appropriate duties  
20 and appear if the district attorney is designated in specific statutes, including  
21 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this  
22 paragraph limits the authority of the county board to designate, under s. 48.09 (5),  
23 that the corporation counsel provide representation as specified in s. 48.09 (5) or to  
24 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate  
25 person to represent the interests of the public under s. 48.14 or 938.14.

9138

SECTION 51. Nonstatutory provisions.

Safety and Professional Services

1

2

(1) TRANSFER OF VETERINARY EXAMINING BOARD.

3

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of safety and professional services primarily related to the functions of the veterinary examining board, as determined by the secretary of administration, shall become the assets and liabilities of the department of agriculture, trade and consumer protection.

8

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of safety and professional services that is primarily related to the functions of the veterinary examining board, as determined by the secretary of administration, is transferred to the department of agriculture, trade, and consumer protection.

13

(c) *Contracts.* All contracts entered into by the department of safety and professional services in effect on the effective date of this paragraph that are primarily related to the functions of the veterinary examining board, as determined by the secretary of administration, remain in effect and are transferred to the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of agriculture, trade and consumer protection to the extent allowed under the contract.

21

(d) *Pending matters.* Any matter pending with the department of safety and professional services on the effective date of this paragraph that is primarily related to the functions of the veterinary examining board, as determined by the secretary of administration, is transferred to the department of agriculture, trade and consumer protection and all materials submitted to or actions taken by the

25

1 department of safety and professional services with respect to the pending matters  
2 are considered as having been submitted to or taken by the department of  
3 agriculture, trade and consumer protection.

4 (e) *Fees*. All fees for initial licenses, certifications, and other credentials, and  
5 for renewals of those licenses, certifications, and other credentials, under chapter  
6 453 of the statutes that are in effect on the day before the effective date of this  
7 paragraph shall remain in effect until modified by the department of agriculture,  
8 trade and consumer protection under section 89.063 of the statutes, as created by  
9 this act.

9238 B  
Safety and Professional Services

10 **SECTION 52. Fiscal changes.**

11 (1) **TRANSFER OF CREDENTIALING FEES.** The unencumbered balance in the  
12 appropriation account under section 20.165 (1) (g) of the statutes that is primarily  
13 related to the functions of the veterinary examining board, as determined by the  
14 secretary of administration, is transferred to the appropriation account under  
15 section 20.115 (2) (jm) of the statutes, as created by this act.

16 **SECTION 53. Effective date.**

17 (1) This act takes effect on the day after publication, or on the 2nd day after  
18 publication of the 2015-17 biennial budget act, whichever is later.

19 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1053/P1dn  
MPG:eev:jf

[DATE]

Tyler Byrnes:

Please review this draft carefully to ensure that it is consistent with the intent.

Please note that this draft creates authority for the Department of Agriculture, Trade and Consumer Protection (DATCP), similar to the authority of the Department of Safety and Professional Services (DSPS) under current law, to issue an injunction against a person who, without a proper license or certification, engages in a practice regulated by the Veterinary Examining Board (VEB). Note that the VEB is also authorized under current law, in addition to the attorney general or district attorney of the proper county, to seek an injunction or other remedy against a person who practices veterinary medicine without a license. That authority appears to be somewhat duplicative of the authority given to DATCP in the draft, DSPS under current law. Please let me know if you want me to alter in any way the enforcement authority of the VEB or DATCP in the draft. See s. 453.08, stats., renumbered to 89.08 in the draft, and s. 89.085 in the draft.

Also, note that the draft creates language concerning the establishment of fees that is similar to the authority of DSPS under current law. Please let me know if that is not consistent with your intent.

Finally, do you want to include any language in the draft transferring positions and incumbent employees whose duties are primarily related to the VEB?

Please also see my notes embedded in the draft and do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
(608) 267-7511  
michael.gallagher@legis.wisconsin.gov



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1053/P1dn  
MPG:eev:rs

January 5, 2015

Tyler Byrnes:

Please review this draft carefully to ensure that it is consistent with the intent.

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Also, note that the draft creates language concerning the establishment of fees that is similar to the authority of DSPS under current law. Please let me know if that is not consistent with your intent.

Finally, do you want to include any language in the draft transferring positions and incumbent employees whose duties are primarily related to the VEB?

Please also see my notes embedded in the draft and do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
(608) 267-7511  
michael.gallagher@legis.wisconsin.gov

## Gallagher, Michael

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**From:** Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>  
**Sent:** Tuesday, January 27, 2015 4:32 PM  
**To:** Gallagher, Michael  
**Subject:** RE: 1053/P1 - Vets Board Transfer

Mike – I think on the phone I said “LRB-1035”. I meant “LRB-1053.

Tyler

---

**From:** Gallagher, Michael [mailto:Michael.Gallagher@legis.wisconsin.gov]  
**Sent:** Wednesday, January 14, 2015 10:12 AM  
**To:** Byrnes, Tyler - DOA  
**Subject:** RE: 1053/P1 - Vets Board Transfer

Got it.

**Michael Gallagher**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

---

**From:** Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 14, 2015 10:10 AM  
**To:** Gallagher, Michael  
**Subject:** 1053/P1 - Vets Board Transfer

Mike – Changes to this draft and responses to some of your questions.

1. I think the enforcement authority can stay the same. ✓
2. On the procedure for setting the fees, could you change the draft so that instead of a fee process that mirrors the DSPS process of requiring a fee study and JCF review, could you instead draft it so that fees are set via administrative rule, as other DATCP fees are set?
3. We do not want language related to transferring positions. ✓
4. Note 1 – The alterations to statutory format are fine. ✓ ✓
5. Note 3 – cross references is not necessary. ✓
6. Notes 4+5 – no need to carry over any additional DSPS authorities. ✓

Thanks,

Tyler



TODAY please

JLD

DOA:.....Byrnes, BB0362 - Transfer Veterinary Examining Board from  
DSPS to DATCP.

**FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION**

TPZ

x

don't gen

1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**SAFETY AND PROFESSIONAL SERVICES**

**PROFESSIONAL LICENSURE**

Under current law, the Veterinary Examining Board (board) regulates the practice of veterinarians and veterinary technicians in Wisconsin. Currently, the board is under the umbrella of the Department of Safety and Professional Services. This bill transfers the board to the Department of Agriculture, Trade and Consumer Protection.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

SECTION 1. 15.135 (5) (title) of the statutes is created to read:

3

15.135 (5) (title) VETERINARY EXAMINING BOARD.

4

SECTION 2. 15.405 (12) of the statutes is renumbered 15.135 (5) (a) (intro.) and

5

amended to read:

1           15.135 (5) (a) ~~VETERINARY EXAMINING BOARD.~~ (intro.) There is created a  
2 veterinary examining board in the department of ~~safety and professional services~~  
3 agriculture, trade and consumer protection. The veterinary examining board shall  
4 consist of the following 8 members appointed for staggered 4-year terms.:

5           1. ~~Five of the members shall be licensed veterinarians~~ licensed in this state.

6           2. ~~One member shall be a~~ veterinary technician certified in this state.

7           3. ~~Two members shall be~~ public members.

8           (b) No member of the examining board may in any way be financially interested  
9 in any school having a veterinary department or a course of study in veterinary or  
10 animal technology.

\*\*\*\*NOTE: In addition to renumbering, I altered the format of the statutory unit to conform more closely with the other subsections in s. 15.135, stats., and with drafting best practices. Okay? MPG

11           **SECTION 3.** 20.115 (2) (jm) of the statutes is created to read:

12           20.115 (2) (jm) *Veterinary examining board.* All moneys received from issuing  
13 and renewing credentials under ch. 89 for the licensing, rule-making, and  
14 regulatory functions of the veterinary examining board.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15           **SECTION 4.** 29.736 (1) (b) of the statutes is amended to read:

16           29.736 (1) (b) “Qualified inspector” means a veterinarian licensed under ch.  
17 ~~453~~ 89 or a person who is qualified to provide evidence of fish health under s. 95.60  
18 (4s) (c).

19           **SECTION 5.** 45.44 (1) (a) 5. of the statutes is amended to read:

20           45.44 (1) (a) 5. A license, certification, registration, or permit issued under s.  
21 89.06, 89.072, 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2),  
22 97.22 (2), 98.145, 98.146, 98.18 (1) (a), or 168.23 (3).

1           **SECTION 6.** 54.15 (8) (a) 3. of the statutes is amended to read:

2           54.15 (8) (a) 3. Any license, certificate, permit, or registration of the proposed  
3 guardian that is required under chs. 89, 202, or 440 to 480 or by the laws of another  
4 state for the practice of a profession or occupation has been suspended or revoked.

\*\*\*\*NOTE: I did not include a cross-reference to the new ch. 89 in ss. 46.90 (5m) (br) 5. and 55.043 (4) (b) 5., stats., both of which cross-reference chs. 440 to 460, stats. Section 46.90 (5m) (br) 5., stats., deals with reports to DSPS concerning elder abuse that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." Similarly, s. 55.043 (4) (b) 5., stats., deals with reports to DSPS concerning exploitation or other abuse of an adult-at-risk that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." I did not include cross-references in those statutory units with respect to the new ch. 89 because, unlike the other professions under chs. 440 to 460, stats., veterinarians and veterinary technicians, by profession, deal primarily with animals. Nevertheless, cross-references to the new ch. 89 could be relevant to the extent that veterinarians and veterinary technicians deal with the individual human owners of animals. Please let me know if you instead want me to include cross-references to the new ch. 89 for purposes of ss. 46.90 and 55.043, stats. MPG

5           **SECTION 7.** 89.02 (3d) of the statutes is created to read:

6           89.02 (3d) "Department" means the department of agriculture, trade and  
7 consumer protection.

8           **SECTION 8.** 89.063 of the statutes is created to read:

9           **89.063 Fees.** (1) The department shall determine the fees for each initial  
10 license, certification, and permit issued under ss. 89.06 and 89.072, and, if  
11 applicable, for renewal of the license, certification, or permit, including late fees,  
12 based on the department's administrative and enforcement costs under this chapter.

13           ~~The department shall notify the holder of each such license, certification, or permit  
14 of any fee adjustment under this subsection that affects that license, certification,  
15 or permit holder.~~

16           (2) Before the department makes any fee adjustment under sub. (1), the  
17 department shall send a notification of the proposed fee adjustment to the  
18 cochairpersons of the joint committee on finance. If the cochairpersons of the

1 committee do not notify the secretary within 14 working days after the date of the  
2 department's notification that the committee has scheduled a meeting for the  
3 purpose of reviewing the proposed fee adjustment, the fee adjustment may be made  
4 as proposed. If, within 14 working days after the date of the department's  
5 notification, the cochairpersons of the committee notify the secretary that the  
6 committee has scheduled a meeting for the purpose of reviewing the proposed fee  
7 adjustment, the fee adjustment may be made only upon approval of the committee.

8 **SECTION 9.** 89.085 of the statutes is created to read:

9 **89.085 Unauthorized practice.** (1) The department may conduct  
10 investigations, hold hearings, and make findings as to whether a person has engaged  
11 in a practice or used a title without a credential required under this chapter.

12 (2) If, after holding a public hearing, the department determines that a person  
13 has engaged in a practice or used a title without a required credential, the  
14 department may issue a special order enjoining the person from continuing the  
15 practice or use of the title.

16 (3) In lieu of holding a public hearing, if the department has reason to believe  
17 that a person has engaged in a practice or used a title without a required credential,  
18 the department may petition the circuit court for a temporary restraining order or  
19 an injunction as provided in ch. 813.

20 (4) (a) Any person who violates a special order issued under sub. (2) may be  
21 required to forfeit not more than \$10,000 for each offense. Each day of continued  
22 violation constitutes a separate offense. The attorney general or any district  
23 attorney may commence an action in the name of the state to recover a forfeiture  
24 under this paragraph.

1 (b) Any person who violates a temporary restraining order or an injunction  
2 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor  
3 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

4 **SECTION 10.** 93.135 (1) (a) of the statutes is renumbered 93.135 (1) (ag).

5 **SECTION 11.** 93.135 (1) (ab) of the statutes is created to read:

6 93.135 (1) (ab) A license, certification, or permit under ch. 89.

\*\*\*\*NOTE: Please let me know if this treatment is inconsistent with your intent. Among other things, adding the new ch. 89 to the list under s. 93.135 (1), stats., continues for veterinarians and veterinary technicians vis-a-vis DATCP the authority of DSPS under ss. 440.12 and 440.13, stats. See DATCP's similar authority under s. 93.135 (3) and (4). MPG

\*\*\*\*NOTE: Also, do you want to carry over to DATCP the responsibilities of DSPS under s. 440.121, stats., concerning declarations of incompetence, or, for that matter, any other specific duty or power of DSPS under ch. 440 that is not otherwise included in the draft? See also s. 54.25 (2) (c) 1. d., stats., concerning declarations of incompetence to exercise certain rights, including obtaining a credential under chs. 440 to 480. MPG

7 **SECTION 12.** 93.20 (1) of the statutes is amended to read:

8 93.20 (1) DEFINITION. In this section, "action" means an action that is  
9 commenced in court by, or on behalf of, the department of agriculture, trade and  
10 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

11 **SECTION 13.** 93.22 (1) of the statutes is amended to read:

12 93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may  
13 be represented by its attorney.

14 **SECTION 14.** 93.22 (2) of the statutes is amended to read:

15 93.22 (2) The department may, with the approval of the governor, appoint  
16 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
17 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the  
18 appropriation for the department.

19 **SECTION 15.** 93.22 (3) of the statutes is amended to read:

1           93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any  
2 exception, exemption, proviso, excuse, or qualification contained in any of said  
3 chapters, or in any order, standard, or regulation thereunder, may be proved by the  
4 defendant, but need not be specified or negatived in the information or complaint,  
5 and, if so specified or negatived, no proof in relation to the matters so specified or  
6 negatived, shall be required of the plaintiff.

7           **SECTION 16.** 94.67 (33m) of the statutes is amended to read:

8           94.67 (33m) “Veterinarian” means an individual who is licensed as a  
9 veterinarian under ch. ~~453~~ 89.

10          **SECTION 17.** 94.67 (33t) of the statutes is amended to read:

11          94.67 (33t) “Veterinary technician” means an individual who is certified as a  
12 veterinary technician under ch. ~~453~~ 89.

13          **SECTION 18.** 95.21 (1) (e) of the statutes is amended to read:

14          95.21 (1) (e) “Veterinarian” has the meaning designated under s. ~~453.02~~ 89.02  
15 (7).

16          **SECTION 19.** 95.21 (1) (em) of the statutes is amended to read:

17          95.21 (1) (em) “Veterinary technician” has the meaning designated under s.  
18 ~~453.02~~ 89.02 (12).

19          **SECTION 20.** 95.21 (2) (a) of the statutes is amended to read:

20          95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or  
21 sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a  
22 veterinarian or, if a veterinarian is physically present at the location the vaccine is  
23 administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no  
24 later than 5 months of age and revaccinated within one year after the initial  
25 vaccination. If the owner obtains the dog or brings the dog into this state after the



1 dog has reached 5 months of age, the owner shall have the dog vaccinated against  
2 rabies within 30 days after the dog is obtained or brought into the state unless the  
3 dog has been vaccinated as evidenced by a current certificate of rabies vaccination  
4 from this state or another state. The owner of a dog shall have the dog revaccinated  
5 against rabies by a veterinarian or, if a veterinarian is physically present at the  
6 location the vaccine is administered, by a veterinary technician, pursuant to s.  
7 ~~453.05~~ 89.05 (2) (d), before the date that the immunization expires as stated on the  
8 certificate of vaccination or, if no date is specified, within 3 years after the previous  
9 vaccination.

10 **SECTION 21.** 169.01 (35) (a) of the statutes is amended to read:

11 169.01 (35) (a) A veterinarian who is licensed in this state to practice  
12 veterinary medicine under ch. ~~453~~ 89 and who is certified under rules promulgated  
13 by the department of agriculture, trade and consumer protection.

14 **SECTION 22.** 173.05 (1) (b) of the statutes is amended to read:

15 173.05 (1) (b) A person to whom par. (a) applies who is a veterinarian licensed  
16 under ch. ~~453~~ 89 is not required to complete a course of training approved by the  
17 department if he or she takes an examination given by the department and passes  
18 the examination on the first attempt.

19 **SECTION 23.** 173.41 (2) (e) of the statutes is amended to read:

20 173.41 (2) (e) A veterinarian licensed under ch. ~~453~~ 89 practicing in the normal  
21 course of veterinary business within the scope of the license is not required to obtain  
22 a license under this subsection.

23 **SECTION 24.** 173.41 (12) (a) 4. of the statutes is amended to read:

24 173.41 (12) (a) 4. If persons sell or offer to sell dogs at the temporary dog market  
25 for 2 or more consecutive days, employ or contract with a veterinarian licensed under

1 ch. ~~453~~ 89 to conduct an examination of the dogs offered for sale at the temporary dog  
2 market on each day on which dogs are offered for sale and to review the information  
3 provided under par. (b).

4 **SECTION 25.** 257.01 (5) (a) of the statutes is amended to read:

5 257.01 (5) (a) An individual who is licensed as a physician, a physician  
6 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed  
7 practical nurse, or nurse–midwife under ch. 441, licensed as a dentist under ch. 447,  
8 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a  
9 veterinary technician under ch. ~~453~~ 89, or certified as a respiratory care practitioner  
10 under ch. 448.

11 **SECTION 26.** 257.01 (5) (b) of the statutes is amended to read:

12 257.01 (5) (b) An individual who was at any time within the previous 10 years,  
13 but is not currently, licensed as a physician, a physician assistant, or a podiatrist  
14 under ch. 448, licensed as a registered nurse, licensed practical nurse, or  
15 nurse–midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a  
16 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary  
17 technician under ch. ~~453~~ 89, or certified as a respiratory care practitioner under ch.  
18 448, if the individual’s license or certification was never revoked, limited, suspended,  
19 or denied renewal.

20 **SECTION 27.** 321.60 (1) (a) 6m. of the statutes is created to read:

21 321.60 (1) (a) 6m. A license, certification, or permit issued under s. 89.06 or  
22 89.072.

23 **SECTION 28.** 440.03 (13) (b) 73. of the statutes is repealed.

24 **SECTION 29.** 440.03 (13) (b) 74. of the statutes is repealed.

25 **SECTION 30.** 440.08 (2) (a) 70. of the statutes is repealed.

1           **SECTION 31.** 440.08 (2) (a) 71. of the statutes is repealed.

2           **SECTION 32.** 450.03 (1) (e) of the statutes is amended to read:

3           450.03 (1) (e) Any person lawfully practicing within the scope of a license,  
4 permit, registration, certificate or certification granted to practice professional or  
5 practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental  
6 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice  
7 optometry under ch. 449 or to practice veterinary medicine under ch. ~~453~~ 89, or as  
8 otherwise provided by statute.

9           **SECTION 33.** 450.10 (3) (a) 8. of the statutes is amended to read:

10          450.10 (3) (a) 8. A veterinarian licensed under ch. ~~453~~ 89.

11          **SECTION 34.** 450.11 (1m) of the statutes is amended to read:

12          450.11 (1m) **ELECTRONIC TRANSMISSION.** Except as provided in s. ~~453.068~~ 89.068  
13 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the  
14 patient approves the transmission and the prescription order is transmitted to a  
15 pharmacy designated by the patient.

16          **SECTION 35.** 450.125 of the statutes is amended to read:

17          **450.125 Drugs for animal use.** In addition to complying with the other  
18 requirements in this chapter for distributing and dispensing, a pharmacist who  
19 distributes or dispenses a drug for animal use shall comply with s. ~~453.068~~ 89.068.

20          **SECTION 36.** 450.19 (1) (ar) of the statutes is amended to read:

21          450.19 (1) (ar) “Practitioner” has the meaning given in s. 450.01 (17) but does  
22 not include a veterinarian licensed under ch. ~~453~~ 89.

23          **SECTION 37.** Chapter 453 (title) of the statutes is renumbered chapter 89 (title).

24          **SECTION 38.** 453.02 of the statutes is renumbered 89.02.

1           **SECTION 39.** 453.03 of the statutes is renumbered 89.03, and 89.03 (1), as  
2 renumbered, is amended to read:

3           89.03 (1) The examining board shall promulgate rules, within the limits of the  
4 definition under s. ~~453.02~~ 89.02 (6), establishing the scope of practice permitted for  
5 veterinarians and veterinary technicians and shall review the rules at least once  
6 every 5 years to determine whether they are consistent with current practice. The  
7 examining board may promulgate rules relating to licensure qualifications, denial  
8 of a license, ~~certificate~~ certification, or temporary permit, unprofessional conduct,  
9 and disciplinary proceedings.

10           **SECTION 40.** 453.04 of the statutes is renumbered 89.04.

11           **SECTION 41.** 453.05 of the statutes is renumbered 89.05, and 89.05 (2) (g), as  
12 renumbered, is amended to read:

13           89.05 (2) (g) Employees of a school of veterinary medicine in this state who  
14 practice veterinary medicine on privately owned animals only as a part of their  
15 employment and who are licensed under s. ~~453.06~~ 89.06 (2m).

16           **SECTION 42.** 453.06 of the statutes is renumbered 89.06, and 89.06 (1), as  
17 renumbered, is amended to read:

18           89.06 (1) Except as provided under s. ~~453.072~~ 89.072, veterinary licenses shall  
19 be issued only to persons who successfully pass an examination conducted by the  
20 examining board and pay the fee ~~specified in~~ established under s. ~~440.05 (1)~~ 89.063

21 ~~XXXX~~. An applicant for an initial license shall be a graduate of a veterinary college that  
22 has been approved by the examining board or have successfully completed either the  
23 educational commission for foreign veterinary graduates certification program of the  
24 American Veterinary Medical Association or the program for the assessment of  
25 veterinary education equivalence offered by the American Association of Veterinary

1 State Boards. Persons who qualify for examination may be granted temporary  
2 permits to engage in the practice of veterinary medicine in the employment and  
3 under the supervision of a veterinarian until the results of the next examination  
4 conducted by the examining board are available. In case of failure at any  
5 examination, the applicant shall have the privilege of taking subsequent  
6 examinations, upon the payment of another fee for each examination.

7 **SECTION 43.** 453.062 of the statutes is renumbered 89.062, and 89.062 (1), as  
8 renumbered, is amended to read:

9 89.062 (1) RENEWAL. The renewal ~~dates~~ date for veterinary licenses and  
10 veterinary technician certifications ~~are specified under s. 440.08 (2) (a) is December~~  
11 15 of each odd-numbered year, and the renewal fees for such licenses and  
12 certifications are determined by the department under s. 440.03 (9) (a) 89.063.

13 **SECTION 44.** 453.065 of the statutes is renumbered 89.065.

14 **SECTION 45.** 453.068 of the statutes is renumbered 89.068.

15 **SECTION 46.** 453.07 of the statutes is renumbered 89.07, and 89.07 (1) (b), (2)  
16 (intro.) and (3), as renumbered, are amended to read:

17 89.07 (1) (b) Violating this chapter ~~or ch. 440~~ or any federal or state statute or  
18 rule ~~which~~ that substantially relates to the practice of veterinary medicine.

19 (2) (intro.) Subject to subch. II of ch. 111 ~~and the rules adopted under s. 440.03~~  
20 (1), the examining board may, by order, reprimand any person holding a license,  
21 certificate, or permit under this chapter or deny, revoke, suspend, limit, or any  
22 combination thereof, the person's license, ~~certificate~~ certification, or permit if the  
23 person has:

24 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or  
25 revocation of a license, ~~certificate~~ certification, or permit under sub. (2), the

1 examining board may assess against the applicant for or the holder of the license,  
2 ~~certificate~~ certification, or permit a forfeiture of not more than \$5,000 for each  
3 violation of s. ~~453.068~~ 89.068.

4 SECTION 47. 453.072 of the statutes is renumbered 89.072 and amended to  
5 read:

6 **89.072 Licensees of other jurisdictions.** (1) Upon application and payment  
7 of the fee ~~specified in~~ established under s. 440.05 (2) ~~89.063~~, the examining board  
8 may issue a license to practice veterinary medicine to any person licensed to practice  
9 veterinary medicine in another state or territory of the United States or in another  
10 country if the applicant is not currently under investigation and has never been  
11 disciplined by the licensing authority in the other state, territory or country, has not  
12 been found guilty of a crime the circumstances of which are substantially related to  
13 the practice of veterinary medicine, is not currently a party in pending litigation in  
14 which it is alleged that the applicant is liable for damages for acts committed in the  
15 course of practice and has never been found liable for damages for acts committed  
16 in the course of practice which evidenced a lack of ability or fitness to practice.

17 (2) Upon application and payment of the fee ~~specified in~~ established under s.  
18 ~~440.05 (6)~~ 89.063, the examining board may issue a temporary consulting permit  
19 to practice veterinary medicine in this state for up to 60 days per year to any  
20 nonresident licensed to practice veterinary medicine in another state or territory of  
21 the United States or in another country.

22 SECTION 48. 453.075 of the statutes is renumbered 89.075.

23 SECTION 49. 453.08 of the statutes is renumbered 89.08.

24 SECTION 50. 978.05 (6) (a) of the statutes is amended to read:

1           978.05 (6) (a) Institute, commence or appear in all civil actions or special  
2 proceedings under and perform the duties set forth for the district attorney under ch.  
3 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),  
4 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and  
5 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties  
6 in connection with court proceedings in a court assigned to exercise jurisdiction  
7 under chs. 48 and 938 as the judge may request and perform all appropriate duties  
8 and appear if the district attorney is designated in specific statutes, including  
9 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this  
10 paragraph limits the authority of the county board to designate, under s. 48.09 (5),  
11 that the corporation counsel provide representation as specified in s. 48.09 (5) or to  
12 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate  
13 person to represent the interests of the public under s. 48.14 or 938.14.

14           **SECTION 9138. Nonstatutory provisions; Safety and Professional**  
15 **Services.**

16           (1) TRANSFER OF VETERINARY EXAMINING BOARD.

17           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
18 liabilities of the department of safety and professional services primarily related to  
19 the functions of the veterinary examining board, as determined by the secretary of  
20 administration, shall become the assets and liabilities of the department of  
21 agriculture, trade and consumer protection.

22           (b) *Tangible personal property.* On the effective date of this paragraph, all  
23 tangible personal property, including records, of the department of safety and  
24 professional services that is primarily related to the functions of the veterinary

1 examining board, as determined by the secretary of administration, is transferred  
2 to the department of agriculture, trade, and consumer protection.

3 (c) *Contracts.* All contracts entered into by the department of safety and  
4 professional services in effect on the effective date of this paragraph that are  
5 primarily related to the functions of the veterinary examining board, as determined  
6 by the secretary of administration, remain in effect and are transferred to the  
7 department of agriculture, trade and consumer protection. The department of  
8 agriculture, trade and consumer protection shall carry out any obligations under  
9 such a contract until the contract is modified or rescinded by the department of  
10 agriculture, trade and consumer protection to the extent allowed under the contract.

11 (d) *Pending matters.* Any matter pending with the department of safety and  
12 professional services on the effective date of this paragraph that is primarily related  
13 to the functions of the veterinary examining board, as determined by the secretary  
14 of administration, is transferred to the department of agriculture, trade and  
15 consumer protection and all materials submitted to or actions taken by the  
16 department of safety and professional services with respect to the pending matters  
17 are considered as having been submitted to or taken by the department of  
18 agriculture, trade and consumer protection.

19 (e) *Fees.* All fees for initial licenses, certifications, and other credentials, and  
20 for renewals of those licenses, certifications, and other credentials, under chapter  
21 453 of the statutes that are in effect on the day before the effective date of this  
22 paragraph shall remain in effect until modified by the department of agriculture,  
23 trade and consumer protection under section 89.063<sup>✓</sup> of the statutes, as created by  
24 this act.

25 **SECTION 9238. Fiscal changes; Safety and Professional Services.**



1           (1) TRANSFER OF CREDENTIALING FEES. The unencumbered balance in the  
2           appropriation account under section 20.165 (1) (g) of the statutes that is primarily  
3           related to the functions of the veterinary examining board, as determined by the  
4           secretary of administration, is transferred to the appropriation account under  
5           section 20.115 (2) (jm) of the statutes, as created by this act.

6

(END)